

**REMARKS/ARGUMENTS**

Claims 27-30 stand rejected as obvious over McNamara et al. in view of Cabib et al. and Hock. These claims have now been canceled and replaced by new claims 31-37, which applicants respectfully present for examination.

Claims 31-37 require two components for the system to process the light from the light source before it is used to illuminate the sample, and that are not disclosed in the cited art. These are (a) a filter to remove undesirable wavelengths from the light emanated by the source, and (b) condensing optics. These are described in the specification at page 6 lines 13-18 and are shown in Figure 1. As pointed out in the specification, the filter serves to primarily pass those wavelengths that are necessary to excite the selected fluorochromes in the sample, and to eliminate the emission bands of those fluorochromes.

Claim 37 further requires a filter to remove scattered light from the wavelengths emitted by the sample upon illumination. Again, this is not shown in the cited references.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

Joel G. Ackerman  
Reg. No. 24,307

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
JA:ja  
60582784 v1